

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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**SECURITIES AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**MARK CUBAN,**

Defendant.

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: Civil Action No.: 3-08-CV2050-D  
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**AGREED MOTION TO EXTEND BRIEFING DEADLINES  
RELATING TO DEFENDANT'S MOTION TO DISMISS**

Plaintiff Securities and Exchange Commission respectfully requests additional time to respond to Defendant Mark Cuban's motion to dismiss. Mr. Cuban, in turn, requests additional time to file a reply brief. Neither party opposes the other's request.

1. The Commission filed its Complaint on November 17, 2008. Defendant executed a waiver of service, affording him 60 days to move to dismiss, answer or otherwise respond. Mr. Cuban filed his motion to dismiss on January 14, 2009.

2. The Commission asked Mr. Cuban to agree to an extension of the deadline for the Commission's opposition to the motion to dismiss until February 17, 2009. The Commission advised Mr. Cuban that the Commission counsels' already full schedules would be compounded by the shut-down of Washington, D.C. for the inauguration and related events. These events fell the very week after the motion to dismiss was filed.

3. Mr. Cuban has agreed, subject to the Court's approval, that Plaintiff may have until February 17, 2009 to respond to his motion to dismiss. In return, the Commission has agreed that Defendant may have until March 10, 2009 to reply.

Therefore, the parties respectfully request that the Court enter an order in the form submitted with this motion, extending Plaintiff's deadline to respond to Mr. Cuban's motion to dismiss until February 17, 2009, and extending Defendant's deadline to reply until March 10, 2009.

Dated: January 21, 2009

Respectfully submitted,

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